

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

No. 2:12-md-02323-AB
MDL No. 2323

Hon. Anita B. Brody

Kevin Turner and Shawn Wooden,
*On behalf of themselves and
Others similarly situated,*

Civ. Action No. 14-00029-AB

Plaintiffs,

v.

National Football League and
NFL Properties LLC,
Successor-in-interest to
NFL Properties, Inc.,

Defendants.

AFFIDAVIT IN RESPONSE/OPPOSITION TO MOTION FOR INJUNCTIVE RELIEF

Introduction

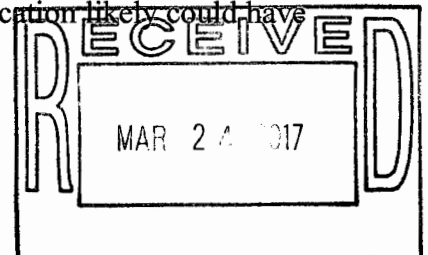
1. For the last 5 years, I have been an advocate for NFL players suffering concussion related illnesses. Supporting former players is very important to me and I was dedicated to this cause long before the NFL Concussion Settlement.

2. Class Counsel is also an advocate for NFL players.

3. While we disagree about numerous aspects of the Settlement, ultimately our interests are aligned and we both want as many former players suffering from concussion related illnesses qualified for the Settlement as possible.

4. I obviously have no intention of stating anything that is misleading or incorrect about the Settlement and don't believe I have. I have stated my opinions and believe that those opinions are grounded in fact.

5. Given the foregoing, it is unclear why this has ended up in Court with lawyer fees and motions. To the extent we disagree, this matter and any necessary clarification likely could have



resulted from a simple phone call or email (which attempt was never made by Class Counsel) and this could have been resolved without any hullabaloo.

Clearing the Air about Financial Connections

6. Class Counsel's allegations against me with respect to my financial connections to lawyers or law suit funders are simply wrong.

7. Any class members contacted have been personal relationships developed over many years of playing in the NFL.

8. I have no contractual relationship to any law firm or law suit funder with respect to the NFL Concussion Settlement.

9. I have received no money from any law firm or law suit funder with respect to the NFL Concussion Settlement.

10. I have received no referral fees with respect to any player involved in the NFL Concussion Settlement.

11. While I have managed concussion related businesses for many years, I have spent far more money helping players than I have ever made. I never got into this business to make money and don't expect to make money any time in the near future.

12. Class Counsel's allegations were made with no factual support and are unbecoming an attorney of his stature and legal community in general.

13. Given my foregoing statements and the lack of evidence from Class Counsel, I expect him to withdraw these allegations in as public a forum and manner as with which they have been asserted.

My Opinions Are Just That

14. On my website and through email, I have repeatedly stated my beliefs with respect to NFL Concussion Settlement.

15. It is my belief that players can still be tested outside of the BAP in order to obtain qualifying diagnosis. My belief is supported by the following:

- Section 5.2 of the Settlement states "a Qualifying Diagnosis of Alzheimer's Disease, Parkinson's Disease, ALS or Death with CTE shall not be made through the BAP baseline assessment program."

- Section 5.4 states “If a Retired NFL Player in Subclass 1 chooses not to participate in the BAP, and receives a Qualifying Diagnosis on or after the Effective Date, that Retired NFL Player will be subject to the Monetary Award Offset.”

16. I am not sure what these sections could possibly mean other than people can get tested outside of the BAP.

17. I am also unsure of what purpose the 10% reduction could serve unless you can be tested outside of the BAP.

18. It is my belief that Class Counsel is flat wrong in his papers about the viability of ongoing independent diagnosis after the Effective Date.

19. I also note and one of my problems with Class Counsel’s statements about independent testing is that there are numerous players who will “age up” between the Effective Date and when they can get tested by BAP providers. What are these guys to do ... should they lose potentially hundreds of thousands of dollars because they waited to get tested???? It remains my firm belief that my opinion on this matter only serves to benefit Class members

20. These are my opinions. They are not baseless or without substantial thought.

The 1st Amendment

21. I believe that my role as a member of the class and suffering from many of the same issues in this Settlement plays a similar role as the Press and is entitled full protection of the 1st Amendment.

22. I am a little guy without employees or financial backing of any sort (as indicated herein).

23. I don’t believe this attempt to squash my voice is legal or in the best interest of members of the Class.

24. Also – and to be honest – my voice while real and hopefully helpful is not exactly the largest voice in the entire world. I am not on the radio or TV. I have a simple website and send out emails. I don’t believe Class Counsel Allegations that my message could cause any type of mass confusion is founded in any reality.

25. I believe the discovery requested is unwarranted, a wild goose chase and merely an attempt to freeze my voice and work.

26. There is absolutely no evidence of any ethical violations by anyone and Class Counsel's vague allegations to contrary are unsupported by facts.

27. I am a former NFL player and private citizen lending his voice to an issue that I care and am deeply passionate about. I do not believe any attempt to force me to spend my time and money and possibly hire a lawyer is justified.

28. While I have not hired a lawyer with respect to this matter – like most Americans – I will defend my right to speak my mind to the fullest extent of the law and as allowed under the 1st Amendment of this amazing nation.

To Avoid Any Possible Confusion In The Future

29. As I have stated, I have no intention of causing confusion or misunderstanding among Class Members and don't believe I have.

30. That being said, I am not a lawyer and want to make clear that I am not providing legal advice.

Chutzpah

31. It takes a lot of chutzpah for Class Counsel to allege a financial motivation for my work (for which I have made no money) while seeking approval of a \$112 MILLION DOLLAR legal fee in this case.

32. In addition to the \$112 MILLION DOLLAR award, Class Counsel seeks at least another \$50 MILLION DOLLARS (5% of the settlement amount) holdback for the Class lawyers continued work.

33. It is my firm belief that the settlement amounts paid to players will exceed \$1 BILLION DOLLARS and the awards to the Class lawyers currently seek could easily exceed \$200 MILLION DOLLARS.

34. In addition to these awards, the Class lawyers each represent many players for which they will receive additional 10's of Millions of Dollars.

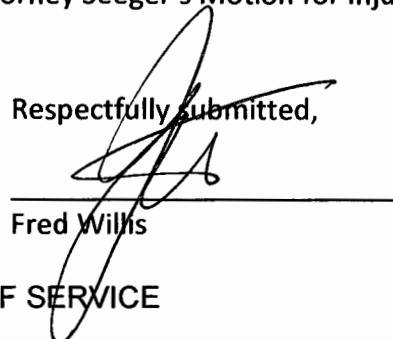
35. I'll be frank, it is unclear why the \$112 MILLION DOLLAR award should not include the Class lawyers' fees for past *and* future work on behalf the NFL Players with a substantial portion being held-back for future service.

36. I don't begrudge people making money for their hard work. I believe Class Counsel is entitled to substantial fees for his time, the risk he has undertaken and for his very real contributions to this case, but the award requested is an extraordinary amount of money for a couple years of work.

37. While being accused of baseless financial misdealing's, it appears that Class Counsel is feeding very heavily at the trough. I don't believe that this look is very good for Class Counsel, lawyers in general or this Court.

WHEREFORE, I respectfully request that Attorney Seeger's Motion for Injunctive Relief be denied with prejudice.

Respectfully submitted,



Fred Willis

CERTIFICATE OF SERVICE

A copy of this document was served upon Plaintiff or upon Plaintiff's attorney at the following address: Christopher Seeger, Seeger Weiss LLP, 77 Water Street, New York, NY 10005 and Sol Weiss, Anapol Weiss, One Logan Square, 130 N. 18th St. Ste. 1600, Philadelphia, PA 19103 by ordinary U.S. Mail, postage pre-paid, this 1st day of March, 2017.



Fred Willis